

REMARKS

Claims 1-17 remain pending in the subject application. In this Amendment, claim 14 is amended to remedy the 35 U.S.C. §§101 and 112 ¶2 rejections. This amendment does not introduce new matter.

35 U.S.C. §102(b) Rejections of Claims 1-17

In this Office Action, the pending claims stand rejected under 35 U.S.C. §102(b) as being anticipated by Inokuchi et al. (U.S. Pat. No. 5,538,793) or JP Publication Kokai Hei 07-196815, which is the Japanese language equivalent of the '793 patent. The Applicant respectfully disagrees with the Examiner and asserts that the '793 patent does not expressly or inherently disclose or teach each and every element of the instant claims. **Thus, the '793 patent does not anticipate these claims.** See MPEP §2131. In fact, the invention, as claimed, isn't even obvious in view of the '793 patent.

As originally described in paragraph [0002] of the instant application, the Applicant was already fully aware of the '815 publication and had already prepared the claims to distinguish over the '815 publication and any other patents or publications in the same patent family, such as the '793 patent. Hence, in independent claim 1, the Applicant claimed "composite silicone rubber particles comprising *silicone rubber* particles A and *silicone rubber* particles B, wherein the surfaces of said particles A are covered with said particles B having sizes smaller than sizes of said particles A." **The '793 patent does not expressly or inherently disclose composite silicone rubber particles covered with other silicone rubber particles, as set forth in this claim.** Thus, the Applicant respectfully submits that the instant claims are patentable over the '793 patent.

Additionally, in paragraph [0002], the Applicant goes on and describes the differences between the disclosure of the '815 publication and the instant invention. The Applicant did not

suggest then, and does not suggest or concede now, that the '815 publication or the '793 patent discloses each and every element of the claimed invention either expressly or inherently. Instead, the Applicant directs the Examiner to the exact words of paragraph [0002]. In this paragraph, the Applicant states that the '815 publication "discloses composite silicone rubber particles that consist of silicone rubber particles, the surfaces of which are coated with fine particles of silicone *resin*." Those of skill in the silicone arts readily recognize that this silicone *resin* is not the same as the silicone *rubber* of instant claim 1.

More specifically, **the silicone rubber particles of the '793 patent are coated with a polyorganosilsesquioxane resin¹**. As is also readily known in the silicone arts, and as is set forth in col. 6, lines 56-63 of the '793 patent, *polyorganosilsesquioxane resins* are made up of units having the chemical formula $\text{RSiO}_{3/2}$. This means that polyorganosilsesquioxanes resins have non-linear backbones which makes them fundamentally different from silicone rubbers and from the silicone rubber particles of the instant claim 1. **Simply stated, polyorganosilsesquioxane resins are not silicone rubbers and are not equivalents thereof. Thus, it is inaccurate for the Examiner to conclude that coating silicone rubber particles with polyorganosilsesquioxane resins, as set forth in the '793 patent, is the same as coating silicone rubber particles (A) with silicone rubber particles (B), as set forth in claim 1.** Accordingly, the Applicant respectfully asserts that the instant 102(b) rejections of the pending claims are overcome and requests that these rejections be withdrawn.

In view of the above, the Applicant respectfully submits that all of the instant rejections are overcome and therefore claims 1-17 are in condition for allowance. Accordingly, the Applicant respectfully requests such allowance.

¹ See the abstract, claim 1, and the entire '793 patent.

While it is believed that no further fees are presently due, the Commissioner is authorized to charge the Deposit Account No. 08-2789, in the name of Howard & Howard Attorneys, P.C., for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

December 26, 2007
Date

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